

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

VIETNAM VETERANS OF AMERICA, et
al.,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, et al.,

Defendants.

Case No. 17-cv-730-LJV

August 31, 2018

JOINT STATUS REPORT

All parties, through their respective counsel, hereby submit this Joint Status Report, as required by this Court's Order dated August 1, 2018, ECF No. 28, and by the Court's prior Order Granting Stay of Proceedings, ECF No. 10.

Background

Plaintiffs filed this action on August 1, 2017, seeking declaratory and injunctive relief relating to the Defendants' operation of the Servicemember Civil Relief Act Website ("SCRA Website"). Plaintiff Thomas Barden also sought damages under the Privacy Act and disclosure of certain records pursuant to the Freedom of Information Act.

The parties have been engaged in good faith discussions in an effort to resolve all or part of this matter without need for further litigation. The Court granted a stay of proceedings pending further order of the Court to permit the parties to continue to pursue a potential negotiated resolution of the case. ECF No. 10. That Order required the parties to submit a Joint Status Report to the Court every 30 days that informs the Court about the status of negotiations and whether the parties believe that further negotiations will be productive. *Id.*

The parties submitted their Joint Status Reports in accordance with the orders of this Court. *See* Joint Status Report (Dec. 20, 2017), ECF No. 11; Joint Status Report (Jan. 31, 2018), ECF No. 13; Joint Status Report (Mar. 2, 2018), ECF No. 16; Joint Status Report (Apr. 2, 2018), ECF No. 18; Joint Status Report (May 2, 2018), ECF No. 20; Joint Status Report (June 1, 2018), ECF No. 23; Joint Status Report (July 2, 2018), ECF No. 25; Joint Status Report (August 1, 2018), ECF No. 27.

The Court has directed the parties to appear in person for a status conference on September 7, 2018, if the matter is not resolved by September 1, 2018. ECF No. 28. This matter will not be resolved by September 1, 2018, and the parties are prepared to appear before this Court on September 7, 2018, as directed.

Status Report

As previously reported, the parties held an in-person meeting between their clients on August 14, 2018, in Washington, D.C. The meeting was productive, and discussed issues including terms of use, account creation processes, auditing measures, and other concerns and limitations. Based on the issues discussed at that meeting, the parties have engaged, and are continuing to engage, in follow-up activities in order to try to reach a substantive agreement. Counsel for the parties expect future discussions to continue to be productive.

Respectfully Submitted,

/s/ Jonathan Manes
Jonathan Manes, *Supervising Attorney*
Alex Betschen, *Student Attorney*
Jia Passucci, *Student Attorney*
Civil Liberties and Transparency Clinic
University at Buffalo School of Law
507 O'Brian Hall, North Campus
Buffalo, NY 14260-1100

(716) 645-2167
(716) 645-6199 (Fax)
jmmanes@buffalo.edu

Counsel for Plaintiffs

CHAD A. READLER
Acting Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Joseph E. Borson
JOSEPH E. BORSON (Va. Bar No. 85519)
ANDREW E. CARMICHAEL
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave, NW
Washington, D.C. 20530
(202) 514-1944
(202) 616-8470 (Fax)
joseph.borson@usdoj.gov

Counsel for Defendants

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